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Fifty-second Session

89th plenary meeting
Tuesday, 7 July 1998, 10.30 a.m.
New York

President: Mr. Udovenko ..... (Ukraine)

In the absence of the President, Mr. Young (Saint Vincent and the Grenadines), Vice-President, took the Chair.

The meeting was called to order at 10.45 a.m.

Tribute to the memory of the Special Representative of the Secretary-General for Angola and members of the United Nations Observer mission in Angola

The Acting President: The General Assembly will now pay tribute to the memory of the Special Representative of the Secretary-General for Angola, Maître Alioune Beye, and to the memory of the members of the United Nations Observer Mission in Angola, who perished in the aircraft accident of 26 June. On behalf of the General Assembly, I should like to convey our heartfelt condolences to the bereaved families.

I now invite representatives to stand and observe a minute of silence in tribute to their memory.

The members of the General Assembly observed a minute of silence.

Agenda item 120 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations (A/52/785/Add.8)

The Acting President: In a letter contained in document A/52/785/Add.8, the Secretary-General informs the President of the General Assembly that, since the issuance of his communications contained in documents A/52/785 and addenda 1 to 7, Honduras has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

Agenda item 36 (*continued*)

Question of Palestine

Draft resolution (A/52/L.53/Rev.2)

The Acting President: In connection with agenda item 36, the General Assembly has before it a draft resolution, issued as document A/52/L.53/Rev. 2, entitled "Participation of Palestine in the work of the United Nations".

98-85564 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

I should like to inform members of a correction to paragraph 7 of the annex to the draft resolution. The comma appearing in the paragraph should be replaced by a semicolon.

We shall now proceed to consider draft resolution A/52/L.53/Rev.2.

I shall first call on those representatives who wish to make statements in explanation of vote before the voting. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Richardson (United States of America): The General Assembly meets today to debate once more a Palestinian proposal to enhance the status of the Palestine Liberation Organization (PLO) Observer Mission in the General Assembly. We will be casting our votes nearly seven months to the day after the General Assembly first considered this issue. At that time, the Assembly wisely deferred the issue on a procedural vote. That was the right thing to do then, and it is the right thing to do now. This is the wrong draft resolution at the wrong time.

We have no doubt that most members of this Assembly are sincere supporters of the peace process in the Middle East. They want to see that process moving forward again and are frustrated by the fact that there has been a prolonged impasse. So are we. They want to encourage the parties to make rapid progress on the basis of agreements already achieved. They want to see these negotiations result, at long last, in an agreement that would lead to accelerated negotiations on permanent status. The United States strongly endorses this aim as well. No one has been more energetic in the pursuit of an agreement than we. The fact remains, however, that by taking this action the General Assembly will have made it more difficult to accomplish this objective. Focusing on symbols likely to divide, rather than on steps to promote cooperation, will lead us nowhere. Supporting unilateral gestures which will raise suspicion and mistrust between negotiating partners will not take us closer to our goal.

If this draft resolution is adopted, it will undermine our efforts to get the peace process back on track and will hurt everyone's interests, including those it is most intended to help. Exchanging momentum towards real progress on the ground for symbolic progress in this Hall does not strike us as a good bargain.

Moreover, if this draft resolution is adopted, it could also set a precedent. By overturning decades of practice and precedent in the General Assembly governing the participation of non-members and observers, others who do not enjoy full member status in the United Nations may well press their own claims for enhanced status. This would have serious repercussions for political relations among Member States and would have a deleterious effect on the orderly conduct of United Nations business.

The Arab-Israeli peace process has come a long way since the Oslo accords were signed in 1993. Given the current stalemate, it may not seem so. But the historic gains of the past several years cannot be ignored. We in this Assembly should look for ways to consolidate those gains and help create the conditions in which the parties will find it easier to move forward. That means, at a minimum, that we should take no steps that could undermine the fragile climate of trust and confidence so necessary for the peace process to succeed. A vote in favour of this draft resolution will not contribute to this result and, in truth, may seriously undermine it. That is why we ask our fellow Members to join us in voting "no" on this flawed proposal.

Mr. Gold (Israel): Israel opposes the draft resolution on participation of the Palestinian Observer Mission in the work of the United Nations because of both the preambular language, which serves as the basis of the draft resolution, and the operative elements proposed. The preambular part seriously misrepresents previous United Nations resolutions. For example, this draft resolution, which is sponsored by 13 Arab States, makes reference to General Assembly resolution 181 (II) of 29 November 1947. It is ironic that at that time, 51 years ago, every single Arab State, as well as the Palestinian leadership, rejected resolution 181 (II).

In a statement in the Trusteeship Council on 20 February 1950, Israel's Permanent Representative to the United Nations, Abba Eban, underlined the fact that this was not just

> "the exercise of a legitimate right of non-compliance"

with a non-binding resolution, but rather

> "the use of armed force to overthrow the recommendation of the General Assembly". [*T/PV.230, p. 8*]

To come now as a group, insisting on an improvement in Palestinian participation in the United Nations on the basis of a United Nations resolution that they strongly resisted, simply misrepresents the experience of the United Nations in this matter.

Further misrepresentation in the preambular part is evident in references to General Assembly resolution 43/177 of 15 December 1988. While this resolution changed the designation of the Palestine Liberation Organization (PLO), it clearly stipulated, in paragraph 3, that this change would take effect

> "without prejudice to the observer status and functions of the Palestine Liberation Organization within the United Nations system".

Today's draft resolution conveniently overlooks this qualification.

Finally, it must be added that reference to the establishment of the Palestinian Authority in parts of the West Bank and Gaza represents a transparent effort to create a political link between this draft resolution and the status of the disputed territories. The clear purpose of this effort is to affect the outcome of the permanent status negotiations over this territory by abusing the United Nations system.

Notwithstanding Israel's reservations about the intentions behind this draft resolution, it must be emphasized that both the preambular and operative parts make clear one central fact: there is no effective change of the status of the PLO in the United Nations. The PLO remains an observer organization in the United Nations system. Still, the attempt to achieve additional rights and privileges with the intention of obtaining a symbolic shift in status should be opposed, for it contradicts the bilateral basis of the Arab-Israeli peace process begun in Madrid, and it violates the principles of the Oslo agreements.

Israel has been prepared, since the signing of the Hebron Protocol on 15 January 1997, to resume the permanent status negotiations. Israel again undertook this commitment in the Note for the Record, signed by the United States. The PLO has refused to resume these talks, in violation of the Note for the Record. Instead, it seeks to obtain symbolic elements of changed political status by means of United Nations resolutions. The international community should deplore these efforts and encourage the parties to resolve their differences bilaterally, at the negotiating table, and not in the General Assembly.

In this context it is important to recall the commitment given in writing by PLO Chairman Yasser Arafat to our late Prime Minister, Yitzhak Rabin, on 9 September 1993:

> "The PLO commits itself to the Middle East peace process and to a peaceful resolution of the conflict between the two sides, and declares that all outstanding issues related to permanent status will be resolved through negotiations."

The United Nations has a choice of reinforcing this commitment, or undermining its content and weakening the Arab-Israeli peace process. I call upon Member States to oppose this initiative and thereby strengthen the Arab-Israeli peace process.

Mr. Dlamini (Swaziland): My delegation finds itself in a very painful situation. Not so long ago in this very Hall, a draft resolution similar to the one we are debating this morning was withdrawn with a view to holding effective consultations. Our question as a delegation is, what is at stake? The answer is: lasting peace and a peaceful settlement in the Middle East.

What is the role of the United Nations in this context? To ensure that peace prevails in the Middle East. Suppose this draft resolution is adopted today. What would be the consequences? Will we have achieved peace? Peace is an important commodity in the Middle East, to which, in our view, both parties are entitled.

We have a duty as the United Nations not to exercise a double standard but to tell the truth in order to help the parties involved. My delegation realizes the frustration that the Palestinian people are experiencing. They have already been waiting too long. Realizing that recent events and developments are not on their side, they have made some human mistakes. When all the doors are locked, you attempt to find a way through the roof or through the windows. But the question is, what happens when you throw yourself through the window? You break your bones, you break your head, and that is the end of you.

True enough, the doors to a lasting peace are heavily locked at the moment. But we have a duty as the United Nations to look for a way that will not kill the people we should be saving — the people we should be supporting in their quest to be a sovereign state.

The conferences relating to the Middle East question were supported by us all because there was light at the end of the tunnel — the possibility that peace would prevail. My delegation has not given up yet. Like any other delegation with a positive outlook, we still believe that peace can be achieved without compromising the dignity of the United Nations, clearly embodied and enshrined in our Charter. The Charter, as the torch-bearer, guides us and shows us how we should do things and how we should counsel one another.

My delegation believes that we have not yet exhausted all channels. We have not yet exhausted all efforts to persuade the two parties to come to the conference table. Every effort must be made to ensure that the spirit of the Madrid Conference and the Oslo agreement is rekindled and that the parties agree to and honour the provisions enshrined in that agreement.

I have already said that it is true that there are reasons for the other party to be frustrated. We have a duty, therefore, to counsel whomsoever feels the light at the end of the tunnel is too far away. Accordingly, my delegation calls on both parties to make a serious commitment to realize a lasting solution in the Middle East.

It is our policy as the Kingdom of Swaziland that when parties are at war, it is best not to favour one over the other but to stand in the middle and offer counsel, so that all might enjoy the friendship that could then develop between both of the parties.

The Palestinians are our friends — our brothers and sisters. The Israelis are our friends — our brothers and sisters. Our quest, therefore, is to call upon all of them to make a commitment to find a lasting solution in the Middle East.

Mr. Benítez Sáenz (Uruguay) (*interpretation from Spanish*): Uruguay has from the outset followed closely the entire process associated with the item now before us — the question of Palestine — and we wish to make a brief statement on this issue.

The draft resolution contained in document A/52/L.53/Rev.2, dated 2 July 1998, highlights a very technical legal problem concerning the extension of the status of observer to the United Nations, a problem on which we should first obtain an opinion from the United Nations Office of Legal Affairs. Only once we have an independent legal opinion on the scope and regulatory implications of this draft resolution will we be able to take a decision on the substance of the matter.

In our view, adoption of this draft resolution would result in changing the status of observer in one particular case only, and not in a general way through a course different from that provided for in existing regulations.

We would in practice be conferring upon an observer certain attributes which by their nature are proper to a Member State, in particular those set out in paragraphs 4 and 5 of the annex to the draft resolution.

The Acting President: The Assembly will now take a decision on draft resolution A/52/L.53/Rev.2, as orally corrected. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Peru, Philippines, Portugal, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zimbabwe

Against:

Israel, Marshall Islands, Micronesia (Federated States of), United States of America

Abstaining:

Bulgaria, Democratic Republic of the Congo, Honduras, Liberia, Malawi, Paraguay, Poland, Romania, Rwanda, Zambia

Draft resolution A/52/L.53/Rev.2, as orally corrected, was adopted by 124 votes to 4, with 10 abstentions (resolution 52/250).

[Subsequently, the delegations of Angola, Nigeria and Tajikistan informed the Secretariat that they had intended to vote in favour; the delegations of Cameroon and Swaziland had intended to abstain.]

The Acting President: Before giving the floor to the first speaker in explanation of vote after the voting, I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Sucharipa (Austria): I have the honour to speak on behalf of the European Union. In addition, the Central and Eastern European countries associated with the European Union — the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and Slovenia — and the associated country Cyprus, as well as the European Free Trade Association countries members of the European Economic Area, Iceland and Norway, align themselves with this statement.

The General Assembly has just decided to confer upon Palestine, in its capacity as observer, additional rights and privileges of participation in the work of the General Assembly. By doing so, the Assembly has responded positively to a concern of the Permanent Observer of Palestine, who had repeatedly argued that he was experiencing practical difficulties in his daily work at the United Nations.

The European Union recognizes the potential for practical difficulties resulting from the fact that neither the Charter nor any text of a general nature codifies the rights and privileges of observers at the United Nations. These rights and privileges have indeed been granted over the decades on a case-by-case basis. This resolution is therefore not regarded by the European Union as creating a precedent.

After the General Assembly suspended consideration of this item last December, the European Union had the opportunity to carefully study different modalities on how best to facilitate the practical aspects of the work of the Palestinian observer delegation. In this context, the European Union's aim was to ensure clear formulations and to avoid any ambiguities.

Since the text as contained in document A/52/L.53/Rev.2 met these requirements, the European Union was in a position to cast a positive vote. The European Union hopes that, through the implementation of the practical measures as contained in the annex, the future work of the Permanent Observer of Palestine will be facilitated.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): The Russian delegation voted in favour of the draft resolution entitled "Participation of Palestine in the work of the United Nations". As members know, this item was the subject of lengthy and difficult consultations among interested countries. This is understandable, as a change in the status of any delegation to the United Nations is no ordinary matter, and requires a carefully considered decision that accords with existing rules, traditions and practices relating to the work of the Organization. Nor can we fail to be mindful of the fact that in the present very difficult circumstances surrounding the Middle East settlement, the effort of the Palestinians to bring the status of their delegation into line with the serious political changes that have taken place in the Palestinian territories over recent years deserves serious consideration.

We appreciate the fact that, during work on the draft resolution, the sponsors showed flexibility and took into account virtually all the comments, advice and amendments that were offered by a number of a delegations, including our own. The adoption of this resolution conferring additional rights upon the Palestinian delegation — first and foremost with respect to Palestinian and Middle East issues — does not in fact contradict that delegation's observer status, and therefore sets no undesirable precedent for other similar situations.

As we express our satisfaction at this constructive outcome, we reaffirm our readiness to engage in further cooperation with the delegation of Palestine in the United Nations.

Mr. Fowler (Canada): Canada voted in favour of resolution 52/250 because we believe that it will permit

the Palestinian delegation to better participate in the work of the United Nations. It is Canada's view that the resolution adopted today states in precise terms the modalities of granting additional rights and privileges for Palestinian participation as an observer at the United Nations. Negotiations removed some of the difficulties which we had identified in earlier drafts of the text, such as the suggestion that the Palestine Liberation Organization was acquiring rights reserved only for Member States.

Canada's policy regarding Palestinian statehood has not changed, and our vote in favour of this resolution does not alter that policy. Canada continues to strongly support the Middle East peace process and the negotiations currently under way, which seek the full implementation of the Oslo accords.

Ms. Millar (Australia): Australia has voted in favour of this resolution because we consider it a practical procedural measure which will clarify and assist the participation of the Palestinian observer delegation in the United Nations.

The resolution enhances the Palestinian observer delegation's current rights as an observer without the right to vote or to put forward candidates. The resolution has no bearing on the issue of Palestinian statehood. The issue of Palestinian statehood is one that remains to be determined in final status negotiations between the parties involved in the Middle East peace process.

Mr. Konishi (Japan): Japan shares the grave concern expressed by an overwhelming number of the States Members of the United Nations over the deadlock in the Middle East peace process. We particularly regret the announcement by the Government of Israel of its plan to strengthen its control of Jerusalem by extending that city's boundaries. This unilateral action taken by the Government of Israel may precipitate a crisis of confidence that would destroy the very foundation on which the peace process rests.

As a country that has been actively contributing to that process and has continuously played a leading role in providing economic assistance to the Palestinians, Japan urges all parties involved to return to the negotiating table and to act to restore the atmosphere of mutual trust that is the *sine qua non* for progress in this area.

We supported the resolution before us, which provides a more detailed description of the additional rights and privileges conferred on Palestine, in its capacity as observer, with regard to its participation in the sessions and work of the General Assembly than was provided by draft resolution A/52/L.53, which was submitted to the General Assembly in December 1997.

On this occasion, my delegation wishes to make two comments. First, from a political perspective, the Government of Japan has no doubt that the efforts most critical to the Middle East peace process are those to be made by the parties most directly involved. The adoption of this resolution must not be permitted to adversely affect those efforts.

Secondly, from a legal perspective, the General Assembly has not discussed in the past the additional rights and privileges that are given to observers, such as those we see in the resolution before us. In this connection, the delegation of Japan thinks it might be appropriate for the General Assembly to review, as and when necessary, the rights and privileges enumerated in the annex of the resolution on the basis of the information the Secretary-General will provide in accordance with operative paragraph 2.

Mr. Paguaga Fernández (Nicaragua) (*interpretation from Spanish*): Nicaragua voted in favour of resolution 52/250, consistent with its position of supporting any decision that promotes universal representation and the peaceful settlement of disputes and conflicts.

The Acting President: We have heard the last speaker in explanation of vote. However, in accordance with General Assembly resolutions 3237 (XXIX) of 22 November 1974 and 43/177 of 15 December 1988, I now call on the observer of Palestine to make a statement.

Mr. Al-Kidwa (Palestine) (*interpretation from Spanish*): I thank you, Sir, for presiding over today's meeting and for giving us the floor in order to speak for the last time from this seat.

(*spoke in English*)

Today is an important day for Palestine and the United Nations, which has dealt with the question of Palestine since its inception. Today, the General Assembly decided to upgrade the Palestinian representation through the adoption, by an overwhelming majority, of the resolution entitled "Participation of Palestine in the work of the United Nations", in spite of pressures, campaigns and even threats.

I would like to begin by expressing gratitude to our Arab family and to friendly States that have sponsored the resolution since last December, as well as to friendly States members of the Organization of the Islamic Conference and the Non-Aligned Movement, which decided, at the ministerial level, to support the Palestinian endeavour in this regard. Without the support of these brothers, sisters and friends, we would not have been able today to succeed in our achievement.

I would also like to extend our thanks to the States members of other groups, in particular members of the European Union, with which we worked and exerted efforts to reach an agreement on the text of the resolution, which we believe has great political importance. The support of each State Member of the United Nations that supported this resolution today is something we highly appreciate and we thank them on behalf of the Palestinian people and the Palestinian leadership. The overwhelming majority that voted in support of the resolution makes us feel proud, strengthens our conviction of the justice of our cause, and increases our confidence that right can still be achieved in our contemporary world.

I do not wish to enter into a discussion of some of the views raised today, which we obviously reject. However, I would like to note that it is indeed astonishing when a party claims that a certain act constitutes a "unilateral action" at a time when 124 States supported this act. Unilateral actions are those illegal actions which violate international law, United Nations resolutions and binding existing agreements; they are not actions based on international legalities, even if those parties disagree with such actions.

I have said that I do not wish to enter into a discussion of some views which we reject, because the first and last answer to these — actually, the decisive answer — is the overwhelming majority of Member States which supported the resolution today.

A small victory was achieved for Palestine today and we thank everyone for that. However, we do want to say that it is our hope that our reliance on the resolution adopted today will not last long, as we hope that the United Nations will accept Palestine as a Member State in the near future — maybe, God willing, during the fifty-third session of the General Assembly. That shall be the big victory.

The Acting President: The Assembly has thus concluded this stage of its consideration of agenda item 36.

The meeting rose at 11.30 a.m.